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April 14, 2004

EX PARTE

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

Re: Notice of Ex Parte:

Petition for Declaratory Ruling That AT&T's Phone-To-Phone IP Telephony Services Are Exempt From Access Charges, WC Docket No. 02-361;

Petition of Vonage Holdings Corporation for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, WC Docket No. 03-211; and

Level 3 Communications LLC's Petition for Forbearance Under 47 U.S.C. § 160(c) and Section 1.53 of the Commission's Rules from Enforcement of Section 251(g), Rule 51.701(b)(1), and Rule 69.5(b), WC Docket No. 03-266

Dear Ms. Dortch:

On April 13, 2004 Mike Holloway, President and CEO and Sam Shiffman, Executive Vice President, Engineering of UniPoint Enhanced Services, Inc. d/b/a PointOne, and their counsel, Dana Frix and Kemal Hawa of Chadbourne & Parke LLP, met with Christopher Libertelli of Chairman Michael K. Powell's Office, regarding the above-referenced proceedings.

PointOne argued that should the Commission issue a decision denying AT&T's declaratory ruling petition, it should, at the same time, do the following: 1) re-affirm the effectiveness of the information service provider exemption from access charges; 2) recognize that the operative legal standard in determining whether a service is a regulated common carrier service offering is whether it is an information service or a telecommunications service; 3) clarify that the determination as to whether a VoIP service provider offers information or telecommunications services does not hinge on the device (such as a phone or a computer) used to originate or terminate traffic over the provider's network; and 4) acknowledge that the *PointOne Test* sets forth a rational basis for distinguishing between VoIP service providers that offer information services from those that offer telecommunications services.

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Secretary

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Pursuant to Section 1.1206(b) of the Commission's rules, this notice is being submitted for electronic filing.

Respectfully submitted,

/s/ Kemal Hawa

Kemal Hawa

Enclosures

cc: Christopher Libertelli, Esq. (via e-mail w/encls.)
Mr. Mike Holloway, PointOne
Mr. Sam Shiffman, PointOne